

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

JOEL STEVENS, *et al.*,

Plaintiff,

v.

ATRICURE INC., ST. HELENA HOSPITAL, AND
ADVENTIST HEALTH;

Defendants.

CASE NO. 1:22-cv-284-JPH

Judge Jeffery P. Hopkins

**Magistrate Judge Stephanie
K. Bowman**

DEFENDANTS' SUPPLEMENTAL SUBMISSION
REGARDING *MARTIN V. HATHAWAY*

On July 25, 2024, the Court issued a Notation Order granting Defendants' Motion for Leave to File Supplemental Authority and permitting the parties to supplement their prior briefing with new arguments regarding the relevance of *Martin v. Hathaway* to this proceeding. Defendants appreciate the Court's consideration and offer this additional submission only to note that the relator in *Martin v. Hathaway* petitioned both for rehearing *en banc* and *certiorari*, each of which was denied. *See United States ex rel. Martin v. Hathaway*, 63 F.4th 1043 (6th Cir. 2023), *cert. denied*, 144 S. Ct. 224 (2023); *see also United States ex rel. Martin v. Hathaway*, Case No. 22-1463, 2023 WL 3806274 (6th Cir. May 16, 2023) (denying petition for *en banc* rehearing). Accordingly, *Martin v. Hathaway* remains final, controlling law.

Dated: August 2, 2024

Respectfully Submitted,

/s/ *Russell S. Sayre*

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CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2024, a copy of the foregoing was electronically filed with the Clerk of Court using the Court's electronic filing system. Notice of this filing will be sent to counsel of record by operation of the Court's electronic filing system, and the parties may access the filing through the Court's system.

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